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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,891	12/11/2003	Patrick Young	ST-8 Div. 2 FWC Cont. 2	1556
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ROPER & GRAY LLP PATENT DOCKETING 39/361 1211 AVENUE OF THE AMERICAS NEW YORK, NY 10036-8704			EXAMINER HASAN, SYED Y	
			ART UNIT 2621	PAPER NUMBER
			MAIL DATE 04/28/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/733,891

**Applicant(s)**

YOUNG, PATRICK

**Examiner**

SYED Y. HASAN

**Art Unit**

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 March 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 - 17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

**Continued Examination Under 37 CFR 1.114**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/31/2010 has been entered.

**Response to Arguments**

2. Applicant's arguments with respect to claims 1 - 14 filed on 03/31/2010 have been considered but are moot in view of the new ground(s) of rejection.

In re page 6 applicant argues with respect to claim 1 that "The claimed invention is directed to techniques for controlling a television tuner in a television schedule information system. Applicant's claim 1, for example, defines a technique for "converting [a] first channel selection command to a second channel selection command," where the first channel selection command is "unrecognizable by [a] television tuner" and the second channel selection command is "recognizable by the television tuner.""

In response examiner presents the disclosure of Tomita (US 5193005). Tomita discloses "The present invention is a channel selecting apparatus comprising a tuner whereby a high frequency signal is mixed with a local oscillation signal controlled by a tuning voltage so as to be converted to an intermediate frequency signal to receive a signal of a desired channel and a controlling means whereby data corresponding to a local oscillation frequency are output in each channel on the basis of a channel-up or

channel-down channel selecting operation, a tuning voltage is prepared by using these data and the local oscillation frequency of the above mentioned **tuner** is controlled, wherein the information as to whether the selection of each channel is to be **inhibited** or permitted at the time of the channel-up or channel-down channel selection is memorized in the above mentioned controlling means and a common channel selection inhibiting information memorizing means is provided for a plurality of channels not allowed to exist simultaneously." (col 2, lines 9 – 27). This illustrates inhibition of channels such that first channel command is unrecognizable.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 - 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young (US 4706121) in view of Yuen et al (US 5307173) and further in view of Tomita (US 5193005)

Regarding **claim 1**, Young discloses a system for controlling a television tuner (fig 3) comprising:

an on-screen television (fig 3, 126 illustrates on-screen television) scheduling

system separate from the television configured to generate a display of television schedule information including listings of television programs in a guide format and receive a user selection of a displayed television program listing as a first channel (col 3, lines 7 – 10, col 4, lines 36 – 44, col 4, lines 61 – 66, col 6, lines 18 – 23 and col 6, lines 60 – 64 illustrate scheduling system separate from tuner)

a control signal means for transmitting the second channel selection command to the television tuner for causing the tuner to tune to the selected television program (col 4, lines 46 – 52, col 5, lines 5 – 15 and col 7, line 60 to col 8, line 23 illustrate tv tuner)

However Young does not disclose channel selection command unrecognizable by the television tuner.

On the other hand Tomita teaches channel selection command unrecognizable by the television tuner (col 2, lines 9 – 27, see details above)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate channel selection command unrecognizable by the television tuner as taught by Yuen et al into the system of Young in order to conveniently provide the up/down channel selecting system.

The combination of Young and Tomita do not disclose means coupled to the on-screen television scheduling system for converting the first channel selection command to a second channel selection command recognizable by the television tuner

On the other hand, Yuen et al, teaches a conversion table stored in the memory for converting the assigned numbers of each cable channel of the television guide such as HBO, ESPN, etc. to the channel number of the local cable carrier in order to tune

the VCR to the correct channel (col 16, line 53 to col 18, line 7)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the conversion table as taught by Yuen et al into the combined system of Young and Tomita in order to accurately record the television program in attended recording mode.

Regarding **claim 2** the combination of Young, Tomita and Yuen et al disclose all of the features of the instant invention as discussed in claim 1 above except for wherein the on-screen television scheduling system resides in a recording means.

Yuen et al further teaches that another preferred embodiment of the invention is to embed the decoding means into various equipments associated with television, such as a video cassette recorder, cable box or satellite receiver because the decoding means would only have to be present in one of the equipments, such as the cable box, which would then at the appropriate time distribute the power command to the other equipments such as VCR and a satellite receiver to record the desired program (figs. 32 – 35, col 32, line 42 to col 33, line 16 and col 33, line 62 to col 34, line 45)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the capability of embedding the decoding means into various equipments associated with television as taught by Yuen et al into the combined system of Young and Tomita in order to use only one controlling means in one of the equipments to control other equipments.

**Claim 3** is rejected for the same reasons as discussed in claim 2 above because Yuen et al teaches that the decoding means can be embedded in the cable decoder

(figs. 32 – 35, col 32, line 42 to col 33, line 16 and col 33, line 62 to col 34, line 45)

**Claim 4** is rejected for the same reasons as discussed in claim 1 above because Yuen et al teaches the claimed memory storing a conversion code for converting the first channel selection command to the second channel selection command (col 16, line 53 to col 18, line 7)

Regarding **claim 5** Young discloses the claimed wherein the on-screen television scheduling system is configured to receive a desired activation time for the selected television program (col 7, line 60 to col 8, line 22, col 9, line 48 to col 10, line 10 and col 15, line 20 to col 16, line 44)

Regarding **claim 6** Young discloses the claimed wherein the control signal means transmits the second channel selection command at the activation time (col 7, lines 60 – 64)

Regarding **claim 7** Young discloses the claimed means for supplying recording commands to a recording means at the activation time (col 7, lines 60 to col 8, line 22)

**Method claims 8 – 14** are rejected for the same reasons as discussed in apparatus claims 1 – 7 above.

**Claim 15** is rejected based on claim 1 above

5. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young (US 4706121) in view of Yuen et al (US 5307173) in view of Tomita (US 5193005) and further in view of Park (US 5193009)

Regarding **claim 16** Young discloses the method, further comprising while tuned to a control channel (col 4, lines 46 – 52, col 5, lines 5 – 15 and col 7, line 60 to col 8,

line 23 illustrate control channel)

However Young, Yuen and Tomita do not disclose receiving, at a recording means, instructions for recording a first user-selected television program broadcast on a first television channel and a second user-selected television program broadcast on a second television channel, wherein the recording means is capable of recording the first television program and the second television program

On the other hand Park teaches receiving, at a recording means, instructions for recording a first user-selected television program broadcast on a first television channel and a second user-selected television program broadcast on a second television channel, wherein the recording means is capable of recording the first television program and the second television program (col 2, lines 12 – 33 illustrate recording two television programs)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate receiving, at a recording means, instructions for recording a first user-selected television program broadcast on a first television channel and a second user-selected television program broadcast on a second television channel, wherein the recording means is capable of recording the first television program and the second television program as taught by Park into the combined system of Young, Yuen and Tomita in order to enable simultaneous recording of two programs.

Regarding **claim 17** Young discloses a fixed control channel (col 4, lines 46 – 52, col 5, lines 5 – 15 and col 7, line 60 to col 8, line 23 illustrate control channel)

However Young, Yuen and Tomita do not disclose first television channel



and the second television channel.

On the other hand Park teaches first television channel and the second television channel (col 2, lines 12 – 33 illustrate recording two television programs)

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate first television channel and the second television channel as taught by Park into the combined system of Young, Yuen and Tomita in order to enable simultaneous recording of two programs.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed Y. Hasan whose telephone number is 571-270-1082. The examiner can normally be reached on 9/8/5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/S. Y. H./  
04/19/2010

/Thai Tran/

Supervisory Patent Examiner, Art Unit 2621